

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Notice of Proposed Rulemaking)	
18 FCC Rcd 13187, 13188 ¶1 (2003))	ET Docket No. 03-137
)	
And)	
)	
Service Rules for the Advanced Wireless Services)	WT Docket No. 12-357
H Block---Implementing Section 6401 of the)	
Middle Class Tax Relief and Job Creation Act of)	
2012 Related to the 1915-1920 MHz and)	
1995-2000 MHz Bands ¶53 footnote 95)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

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March 5, 2013

Reply Comments on FCC Notice of Proposed Rulemaking

I, Kit T. Weaver, deem that my statements are true to the best of my knowledge.

Reply round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is Kit T. Weaver. My address is 558 Roxbury Drive, Naperville, Illinois.
2. I am currently retired, and have in excess of 25 years of professional health physics experience. I am a plenary member of the Health Physics Society.
3. These reply comments are targeted specifically for footnote 95 of paragraph 53 of WT Docket No. 12-357, where it states, in part, that, “a few commenters stated that the Commission’s RF safety rules are inadequate because the rules are based on physics rather than biological studies. ... To the extent that commenters desire to change the RF standards, commenters can file in this proceeding...”
4. In extensive comments submitted on February 6, 2013, my summary paragraph included the following paragraph: “the FCC should undertake the process of reviewing and updating its safety guidelines to ensure that the public is appropriately protected from potentially adverse non-thermal radiation effects. On an interim basis, the FCC should promptly implement, and fully ‘endorse,’ common sense precautionary measures to slow the exponential growth of wireless technologies in our society.”
5. As a reply and expansion of those comments, it is appropriate to question the FCC’s technical competence to undertake such a safety guideline review described above, as well as potential conflicts of interest that the FCC may have as a Federal agency.
6. First, with regard to establishing radiofrequency exposure guidelines, it is evident, by its own admission, that the FCC depends on other federal health and safety agencies such as the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA). This assertion is supported by a recent GAO Report, # GAO-12-771, where it states:

“FCC told GAO that it relies on the guidance of federal health and safety agencies when determining the RF energy exposure limit, and to date, none of these agencies have advised FCC to change the limit. However, FCC has not formally asked these agencies for a reassessment.” This gives indication of bureaucratic paralysis, where no single agency at least appears to be taking full responsibility for ensuring that the health and safety of the public is being protected.

7. Second, there is evidence that the FCC views itself more as an advocate of the telecommunications industry rather than a safety organization interested in protecting the public’s health. In a prior court decision, “The FCC concluded that requiring exposure to be kept as low as reasonably achievable in the face of scientific uncertainty would be inconsistent with its mandate to ‘balance between the need to protect the public and workers from exposure to potentially harmful RF electromagnetic fields and the requirement that industry be allowed to provide telecommunications services to the public in the most efficient and practical manner possible.’” Reference: United States Court of Appeals for the Second Circuit, August Term 1998, (Argued April 5, 1999 Decided: February 18, 2000), Docket Nos. 97-4328(L); 98-4003(Con); 98-4005(Con); 98-4025(Con); 98-4122(Con).
8. So, based upon the FCC’s lack of expertise on health and safety issues and combined with the FCC’s supposed “mandate” for industry to be allowed to provide telecommunications services, it raises serious questions regarding the FCC’s ability to properly uphold its current responsibility to set radiofrequency exposure guidelines given to it under Congressional authority.
9. I urge that FCC reevaluate its ability to uphold its responsibility to establish appropriate RF exposure guidelines. Then, either vigorously uphold that responsibility or advocate that Congress direct another Federal agency (such as the Environmental Protection Agency) to have central authority and resources to properly execute this critical responsibility.

Respectfully submitted by:



Kit T. Weaver